

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Andrew Ridge	Team: Squad #5	CCRB Case #: 201802766	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 04/08/2018 2:05 PM	Location of Incident: Giorgio Hotel (located at 38-60 13th Street)	Precinct: 114	18 Mo. SOL 10/8/2019	EO SOL 10/8/2019	
Date/Time CV Reported Tue, 04/10/2018 12:22 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 04/10/2018 12:22 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Kaitlin Wallace	21615	960067	114 PCT
2. POF Dana Dubeau	26588	933591	114 PCT
3. POF Melissa Buck	10036	960289	114 PCT
4. POF Stephanie Loughran	02626	958839	114 PCT
5. SGT Cynthia Rodriguez	03665	933274	H MAN
6. Officers			Unknown

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Ruibing Lin	31107	952998	114 PCT
2. POM Brian Becker	08150	948003	ESS 10
3. DTS Daniel Cronemeyer	6980	944042	ESS 10
4. POM Paul Hoppinthal	11457	960678	114 PCT
5. POF Jessica Pabla	21058	959030	114 PCT
6. POM Luis Sayan	28517	937496	114 PCT
7. POM Apostolos Masouridis	03180	949278	114 PCT
8. POM James Sniffen	21552	959996	114 PCT
9. POM Vincent Cascio	20540	958376	114 PCT
10. POF Chenise Brodie	28113	937736	114 PCT
11. POF Nicole Modica	17413	961957	114 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Kaitlin Wallace	Abuse: Police Officer Kaitlin Wallace entered 38-60 13th Street, Rm. 702, in Queens.	
B.POF Stephanie Loughran	Abuse: Police Officer Stephanie Loughran entered 38-60 13th Street, Rm. 702, in Queens.	
C.POF Melissa Buck	Abuse: Police Officer Melissa Buck entered 38-60 13th Street, Rm. 702, in Queens.	
D. Officers	Abuse: Officers entered 38-60 13th Street, Rm. 702, in Queens.	

Officer(s)	Allegation	Investigator Recommendation
E.SGT Cynthia Rodriguez	Force: Sergeant Cynthia Rodriguez used physical force against § 87(2)(b)	
F.POF Dana Dubeau	Force: Police Officer Dana Dubeau used physical force against § 87(2)(b)	
G. Officers	Force: Officers used physical force against § 87(2)(b)	
H.POF Kaitlin Wallace	Force: Police Officer Kaitlin Wallace used physical force against § 87(2)(b)	
I.POF Dana Dubeau	Force: Police Officer Dana Dubeau used physical force against § 87(2)(b)	
J.POF Stephanie Loughran	Force: Police Officer Stephanie Loughran used physical force against § 87(2)(b)	
K.SGT Cynthia Rodriguez	Abuse: Sergeant Cynthia Rodriguez sexually humiliated § 87(2)(b)	

Summary of Complaint

On April 10, 2018, § 87(2)(b) filed this complaint with the CCRB via phone.

On April 8, 2018, at approximately 2:05 p.m., Police Officers Kaitlin Wallace, Stephanie Loughran, and Melissa Buck, all of the 114th Precinct, and other officers entered § 87(2)(b)'s hotel room, which was Room 702 of 38-60 13th Street in Queens (**Allegations A-D: Abuse of Authority, § 87(2)(g)**). Sergeant Cynthia Rodriguez and Police Officer Dana Dubeau, both of the 114th Precinct, and other officers performed a forcible takedown of § 87(2)(b) (**Allegations E-G: Force, § 87(2)(g)**). PO Wallace allegedly kicked § 87(2)(b) as PO Dubeau and PO Loughran brought § 87(2)(b) to ground (**Allegations H-J: Force, § 87(2)(g)**). Sgt. Rodriguez allegedly sexually humiliated § 87(2)(b) (**Allegation K: Abuse of Authority, § 87(2)(g)**).

The investigation did not obtain any video evidence in this case.

§ 87(2)(g)

Findings and Recommendations

Allegation A—Abuse of Authority: Police Officer Kaitlin Wallace entered 38-60 13th Street, Rm. 702, in Queens.

Allegation B—Abuse of Authority: Police Officer Stephanie Loughran entered 38-60 13th Street, Rm. 702, in Queens.

Allegation C—Abuse of Authority: Police Officer Melissa Buck entered 38-60 13th Street, Rm. 702, in Queens.

Allegation D—Abuse of Authority: Officers entered 38-60 13th Street, Rm. 702, in Queens.

Allegation E—Force: Sergeant Cynthia Rodriguez used physical force against § 87(2)(b)

Allegation F—Force: Police Officer Dana Dubeau used physical force against § 87(2)(b)

Allegation G—Force: Officers used physical force against § 87(2)(b)

The following account of events is undisputed: On April 8, 2018, at approximately 2:05 p.m., § 87(2)(b) was inside Room 702 of the Giorgio Hotel, located at 38-60 13th Street in Queens, with her partner, § 87(2)(b) when they had a physical altercation. Partway through the fight, § 87(2)(b) left the room and did not return. Approximately 15 minutes later, § 87(2)(b) peered through the peep hole of the hotel room door and saw that Sergeant Cynthia Rodriguez and Police Officers Dana Dubeau, Kaitlin Wallace, Melissa Buck, and Paul Hoppinthal, all of the 114th Precinct, were standing outside. § 87(2)(b) opened the door and invited Sgt. Rodriguez and PO Dubeau inside the room. Sgt. Rodriguez and PO Dubeau entered the room. PO Dubeau held the door partway open with her foot while Sgt. Rodriguez obtained § 87(2)(b)'s ID. Following a dispute between Sgt. Rodriguez and § 87(2)(b) regarding § 87(2)(b)'s ID, PO Wallace, PO Loughran, PO Buck, and other officers entered the room. After this, Sgt. Rodriguez, PO Dubeau, and other officers performed a forcible takedown of § 87(2)(b) and then placed her in handcuffs.

§ 87(2)(b) recounted that after she gave Sgt. Rodriguez her ID, Sgt. Rodriguez asked her for another form of ID (BR01). § 87(2)(b) said, “What other ID do you want,” and extended her arm toward Sgt. Rodriguez, who was within an arm’s length of § 87(2)(b) did not

make physical contact with Sgt. Rodriguez as she did this. Sgt. Rodriguez and PO Dubeau told the officers who were in the hallway to come inside the room. Between eight and ten white male and female uniformed officers rushed into the room. § 87(2)(b) could not further describe these officers. All the officers who entered the room took hold of § 87(2)(b) from behind and brought her face-first to the ground. The officers touched every part of § 87(2)(b)'s body as they did this. § 87(2)(b) claimed that she did not know if she had any physical response to the officers taking hold of her. § 87(2)(b) reported that she sustained scrapes to both her knees resulting from the forcible takedown.

§ 87(2)(b)'s medical records indicated that she reported lacerations to her left hand sustained during the physical altercation with § 87(2)(b) and pain in the back of her head sustained during the second forcible takedown performed by the officers (BR13, privileged document).

§ 87(2)(b) recounted that she did not witness § 87(2)(b)'s interactions with the officers following Sgt. Rodriguez's and PO Dubeau's entry into the room because officers brought § 87(2)(b) into a nearby stairwell where she stayed for the remainder of the incident (BR02).

Sgt. Rodriguez recounted that while she examined § 87(2)(b)'s ID in preparation for her arrest for the assault against § 87(2)(b), § 87(2)(b) took back the ID, bumped her chest against Sgt. Rodriguez, and called Sgt. Rodriguez a "spic" (BR03). Sgt. Rodriguez, PO Dubeau, and PO Wallace all attempted to take hold of § 87(2)(b)'s arms to bring them behind her back. During the struggle, PO Loughran and PO Ruibing Lin of the 114th Precinct entered the room and also assisted in physically apprehending § 87(2)(b). Sgt. Rodriguez could not describe how these officers assisted. No one asked additional officers to enter, but Sgt. Rodriguez thought that the sound of the struggle attracted their attention. § 87(2)(b) stiffened up her arms, flailed her arms outward, forward, up, and down in front of her body, and did not allow the officers to go behind her. Eventually, the officers brought § 87(2)(b) to the ground. Several minutes passed between the time the struggle began and the time § 87(2)(b) was placed in handcuffs.

Aside from the fact that PO Dubeau recounted that aside from herself and Sgt. Rodriguez, only PO Buck and PO Loughran entered the room, and that they did so after the struggle began, PO Dubeau's testimony was consistent with that provided by Sgt. Rodriguez (BR04).

PO Wallace recounted that she and PO Buck remained at the door as Sgt. Rodriguez and PO Dubeau spoke with § 87(2)(b) (BR05). A short time after Sgt. Rodriguez and PO Dubeau entered the room, PO Wallace saw the door moving and heard a sound akin to something hitting a wall, which caused PO Wallace to believe a physical struggle was taking place. PO Wallace and PO Buck entered the room to assist Sgt. Rodriguez and PO Dubeau. PO Wallace took hold of one of § 87(2)(b)'s arms and brought it behind her back. PO Wallace could not recall if a forcible takedown took place inside the room.

PO Loughran recounted that throughout the course of the incident, she went back and forth between § 87(2)(b) in the room and § 87(2)(b) in the stairwell (BR06). At one point while PO Loughran was with § 87(2)(b), she heard yelling coming from the hotel room. When PO Loughran reached the door to the room, she saw that § 87(2)(b) was in handcuffs and on the ground. PO Loughran did not see how § 87(2)(b) came to be on the ground. PO Loughran denied entering the room.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation H—Force: Police Officer Kaitlin Wallace used physical force against § 87(2)(b)

Allegation I—Force: Police Officer Dana Dubeau used physical force against § 87(2)(b)

Allegation J—Force: Police Officer Stephanie Loughran used physical force against

§ 87(2)(b)

§ 87(2)(b) recounted that after she was placed in handcuffs, officers brought her out of the hotel room and told her to stand against the wall of the hotel hallway (BR01). Some of the officers surrounded § 87(2)(b) on her left side while PO Wallace, who was to § 87(2)(b)'s right, told § 87(2)(b) to sit down. PO Wallace only told § 87(2)(b) to sit down once. Directly after PO Wallace told § 87(2)(b) to sit down, PO Wallace kicked § 87(2)(b) on the outer right side of her

right knee. As a result of the kick, § 87(2)(b) lost balance and fell backwards to the ground such that the back-center part of her head made contact with the wall. § 87(2)(b) lost control of her body causing her legs to go up into the air. § 87(2)(b) believed that her legs may have incidentally made contact with PO Wallace as § 87(2)(b) fell to the ground. § 87(2)(b) reported that she suffers from headaches as a result of the forcible takedown. Following the incident, § 87(2)(b) was transported to § 87(2)(b), where she was treated for a laceration she sustained to her hand from the altercation with § 87(2)(b).

§ 87(2)(b)'s medical records indicated that she reported pain in the back of her head after she was reportedly tripped by an officer so that her head hit against the wall (BR13, privileged document). The records indicate that her head was atraumatic and normocephalic, meaning in normal condition without significant abnormalities.

PO Wallace recounted that once § 87(2)(b) was in the hallway, she was told to sit five to six times but did not comply (BR05). After § 87(2)(b) refused to comply with the verbal prompts, PO Wallace believed that she, PO Dubeau, and PO Loughran brought § 87(2)(b) to the ground. PO Wallace held § 87(2)(b) by one arm. Officers guided § 87(2)(b) to the ground by pushing a leg out slightly such that they made contact with the back of § 87(2)(b)'s foot, causing § 87(2)(b) to slide to the ground along the wall. Someone else held § 87(2)(b) by the other arm, but PO Wallace could not recall who this was. PO Wallace did not recall who slid § 87(2)(b)'s leg out but believed that PO Wallace was involved and that other officers may have participated in this action. The officers continued to hold § 87(2)(b)'s arms when her legs were swept to avoid her striking the ground with force. PO Wallace did not observe § 87(2)(b) make contact with anything on the way to the ground, but § 87(2)(b) complained that she hit her head against the wall. The moment § 87(2)(b) sat on the ground, she kicked PO Wallace in the knee. PO Wallace was taken to § 87(2)(b) because of the knee strike.

PO Wallace's medical records indicated that PO Wallace complained of right knee pain (BR14, privileged document). PO Wallace was diagnosed with a contusion to her right knee. Radiographs of PO Wallace's right knee indicated that there was no sign of further injury.

PO Dubeau recounted that she assisted in bringing § 87(2)(b) to the ground in the hallway, but that she could not remember what specific actions she took (BR04). PO Dubeau could not remember who was involved in bringing § 87(2)(b) to the ground, but recounted that the officers did so by maintaining contact with her as they lowered her to the ground. PO Dubeau could not remember officers doing anything else to bring § 87(2)(b) to the ground. PO Dubeau did not recall PO Wallace kicking § 87(2)(b). The remainder of PO Dubeau's testimony was consistent with that provided by PO Wallace.

PO Loughran recounted that the officers decided to have § 87(2)(b) sit on the floor to deescalate the situation. PO Loughran held § 87(2)(b)'s arm as she brought her to the ground (BR06). PO Loughran could not recall who else was involved in bringing § 87(2)(b) to the ground. On her way to the ground, § 87(2)(b) kicked PO Wallace above the knee. PO Wallace did not kick § 87(2)(b).

Sgt. Rodriguez recounted that as officers told § 87(2)(b) to sit down, § 87(2)(b) kicked PO Wallace (BR03). Some officers took out § 87(2)(b)'s legs from under her while others took hold of her arms to bring her to the ground. Sgt. Rodriguez did not participate in this and did not know who was involved. The back of § 87(2)(b)'s head tapped against the wall as officers brought her to the ground.

The investigation established that the officers performed a forcible takedown of § 87(2)(b) that involved a leg sweep and that at some point around the time of the takedown § 87(2)(b) kicked PO Wallace.

§ 87(2)(g)

§ 87(2)(a)

§ 87(2)(b) recounted that from the beginning of the incident, she was dressed only in a bra and panties (BR01). After placing her in handcuffs, the officers brought § 87(2)(b) into the hotel hallway despite the fact that § 87(2)(b) was still wearing only a bra and panties. EMTs arrived on scene between 30 and 45 minutes after the forcible takedown. § 87(2)(b) remained on the ground in the hallway for the entirety of this time. Just before the EMTs arrived on scene, the officers gave § 87(2)(b) a jumpsuit and boots to wear, as she only wore a bra and panties up to that point. § 87(2)(b) felt humiliated by being made to remain in her underwear for an extended period of time in the hallway.

Sgt. Rodriguez recounted that prior to § 87(2)(b)'s apprehension, Sgt. Rodriguez remained inside the hotel room for a long time as she attempted to convince § 87(2)(b) who was completely naked, to get dressed (BR03). Although at points § 87(2)(b) would calm down and begin to get dressed, § 87(2)(b) yelled, cursed, and ultimately did not get dressed. Sgt. Rodriguez believed that after the forcible takedown in the hotel room, one of the officers found a jumpsuit and put some part of that outfit on § 87(2)(b). § 87(2)(b) did not cooperate in getting dressed, so she was partially covered at the time officers removed her from the room. None of § 87(2)(b)'s private parts were exposed at the time officers brought her out of the hotel room.

PO Dubeau recounted that § 87(2)(b) was only dressed in a bra and a pair of underwear inside the hotel room (BR04). § 87(2)(b) was not wearing a shirt when she was taken out into the hallway. PO Dubeau could not remember whether § 87(2)(b) was wearing pants when she was brought into the hallway. Shortly after the forcible takedown in the hallway, officers gave § 87(2)(b) a shirt, socks, and boots.

PO Wallace's testimony was consistent with that provided by Sgt. Rodriguez (BR05).

PO Loughran recounted that at the time officers placed § 87(2)(b) in handcuffs, § 87(2)(b) was wearing pants and a bra (BR06). At some point, officers placed a shirt on § 87(2)(b) but PO Loughran could not recall when this occurred beyond that a shirt was covering § 87(2)(b) when she was in the hallway.

§ 87(2)(g)

Mediation, Civil, and Criminal Histories

- This case was unsuitable for mediation.
- As of January 3, 2019, the NYC Office of the Comptroller has no record of a Notice of Claim being filed regarding this complaint (BR10).
- § 87(2)(b), § 87(2)(c) (impair contract awards or CBAs)

[REDACTED]

[REDACTED]

[REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b)
- PO Wallace has been a MOS for three years and this is the first CCRB complaint to which she has been a subject.
- PO Loughran has been a MOS for three years and has been a subject in one CCRB complaint and three allegations, none of which were substantiated. § 87(2)(g)
- PO Buck has been a MOS for three years and has been a subject in one CCRB complaint and one allegation which the Board has not yet disposed § 87(2)(g)
- Sgt. Rodriguez has been a MOS for 15 years and has been a subject in nine CCRB complaints and 17 allegations, of which one was substantiated.
 - Sgt. Rodriguez has had one Force – Physical Force allegation pleaded against her, which was exonerated.
 - Case #200609258 involved a substantiated allegation of Abuse – Refusal to provide name/shield number. The Board recommended Command Discipline and the NYPD imposed Instructions.

Squad: 5

Investigator: _____

Signature	Print	Date
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Squad Leader: _____

Title/Signature	Print	Date
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Reviewer: _____

Title/Signature	Print	Date
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